

Amendment
Serial No. 09/836,096

Docket No. PHFR 000041

REMARKS

Reconsideration and withdrawal of all grounds of rejection contained in the Office Action are respectfully requested in light of the above amendments and the following remarks. Base claims 1 and 4-5 have been amended, no new matter has been added. Support for amended claims 1 and 4-5 can be found at least in the Specification on page 2, line 20 through page 3, line 5. Claims 1-6 are pending herein.

Claims 1-6 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Wang et al. (U.S. Patent No. 6,167,084).

Base claim 1 has been amended to recite (*inter alia*): ... wherein a regulation process uses quantization scales and the input compressed data signal to obtain the output bit rate, said method of controlling comprising : a step of computing an indicator of a compressed data quality for the respective transcoding channels, said indicator being computed from the input compressed data signal independent of the regulation process... Base claims 4-5 recites similar limitations.

Applicants respectfully submit that Wang does not disclose, suggests, or provides a method or system that provides an indicator of a compressed data quality for the respective transcoding channels, said indicator being computed from the input compressed data signal independent of the regulation process. In particular, Wang uses a complexity measure for a frame that is the product of the quantization level, Q , used for the frame and the number of bits, R , generated for the frame by using the Q .

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Accordingly, it is respectfully submitted that at least for the reasons indicated above, instant base claims 1 and 5 are patentable. With regard to the rejection under 35 U.S.C. §102(e), the Court of Appeals for Federal Circuit has held that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.


Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In the present application, it is respectfully submitted that Wang fail to disclose each and every element as set forth in base claims 1 and 4-5.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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